

HARYANA STATE LOTTERIES

The 29th June, 1976

No. DOL/HR/76/9702.—The Governor of Haryana is pleased to select the following persons as Judges for the supervision of the 80th Draw (Final) to be held at Narnaul on Wednesday, the 30th June, 1976 :—

1. Shri Ram Saran Chand Mittal,
Finance Minister, Haryana,
Chandigarh.
2. Shri G. P. S. Grewal,
Manager, New Bank of India,
Narnaul.
3. Shri P. P. Mehta,
Principal, Govt. College,
Narnaul.
4. Mrs. Pushpa Mohan,
W/o Shri K. D. Mohan,
Additional Sessions Judge,
Narnaul.
5. Mrs. Negi,
W/o Shri V. N. Negi, IPS.,
Superintendent of Police,
Narnaul.

S. L. DHANI,

Director of Lotteries and Deputy
Secretary to Government, Haryana,
Finance Department, Chandigarh.

FINANCE DEPARTMENT

The 30th June, 1976

No. 961-2FDIII-76/23687.—In exercise of the powers conferred by clause (2) of article 283 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules further to amend the Punjab Financial Rules, Volume I, in its application to the State of Haryana, namely:—

- (1) These rules, may be called the Punjab Financial, Volume I (Haryana Fifth Amendment) Rules, 1976.
- (2) In the Punjab Financial Rules, Volume I, in rule 19.6, against Serial No. 132, under Column No. 4, after clause (b) the following clause shall be inserted, namely ;—
“(c) For geological survey and investigation of minerals in the State”,
(i) Unskilled persons up to Rs. 8 per day.
(ii) Skilled persons up to Rs. 11 per. day.

subject to a maximum of twenty-eight times of daily wages per mensem.

A. BANERJEE, Commissioner & Secy.

LABOUR DEPARTMENT

The 25th June, 1976

No. 5203-4Lab-76/18164.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Municipal Committee, Shahabad Markanda.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 45 of 1972

between

SHRI DARSHAN SINGH AND THE MANAGEMENT OF M/S MUNICIPAL COMMITTEE,
SHAHABAD MARKANDA

AWARD

By order No. ID/KNL./35-A-71/2707, dated 2nd February, 1972 of the Governor of Haryana, the following dispute between the management of M/s Municipal Committee, Shahabad Markanda and its workman Shri Darshan Singh was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

“Whether the termination of services of Shri Darshan Singh was justified and in order? If not, to what relief is he entitled?”

The parties appeared in this court in response to the notices of reference sent to them. The management filed their written statement in reply to the notice of demand served on them by the workman and the later filed a rejoinder thereof.

The workman raised a demand on the management on 3rd September, 1971 that he had served them for the last 20 years and had been dismissed illegally on 30th August, 1971 and was entitled to be reinstated.

The management pleaded that the reference made to another Labour Court at Rohtak was bad in law and was liable to be quashed on this sole ground. On merits they pleaded that the workman was charge-sheeted on 13th November, 1970 for having mis-appropriated Rs. 31/32 on 22nd September, 1970 and on an enquiry held against him, the charge was found substantiated resulting in his dismissal. They stated that full opportunity was given to the workman to take part in the enquiry and the copies of documents applied for by him were supplied to him and that he duly cross-examined the witnesses examined by the management and made his own statement in defence.

The workman gave out in the rejoinder that the reference made to the court was perfectly legal and in order and he was never given proper and reasonable opportunity to defend himself in the domestic enquiry and that proper procedure was not followed. He added that the enquiry was not held in accordance with principles of natural justice and equity and one of the members of the Board of enquiry was inimical with him and that the copies of the documents applied for by him was not supplied to him. He averred that he was not given opportunity to cross-examine the witnesses of the management and to adduce his defence evidence and as such for the reasons aforesaid the order of his dismissal was illegal and un-justified.

On pleas of the parties, the following issues were framed,—*vide* order 6th September, 1972 of Shri O. P. Sharma, the then Presiding Officer of the Labour Court, Haryana.—

1. Whether the present reference is bad for the reasons given in the preliminary objections in the written statement filed by the management ?
2. Whether the termination of services of Shri Darshan Singh was justified and in order ? If not, to what relief is he entitled ?

I have heard authorised representatives for the parties with reference to the evidence led by them and decide the issues as under :—

Issue No. 1.

Shri D. S. Rekhi authorised representative for the management made a statement on 5th January, 1973 that he did not press the pleas covered by this issue. This issue was thus decided against the management,—*vide* order dated 5th January, 1973.

Issue No. 2.

The management led evidence in respect of the vices of the enquiry held by them into the charge-sheet against the workman. They examined Shri Raja Singh Kohli the Chairman of the Board of enquiry appointed by the management. He proved the records of the proceedings of the enquiry pages 71 to 85, Exs. M. 5 and M. 6 and the report of the enquiry Ex. M. 7 to be under his signatures and correct in all respects. He gave out that the workman fully cross-examined the witnesses of the management and signed the proceedings and that he filed his reply Ex. M. 4 to the charge-sheet which was considered un-satisfactory by the management. He finally averred that on consideration of the enquiry report the management issued a show cause notice and on consideration of the reply made by the workman he was dismissed.

As against the aforesaid evidence Shri Darshan Singh workman appearing as his own witness deposed that despite applications made by him time and again, he was not supplied copies of the necessary documents and as such he could not file the reply of the charge-sheet and defend himself properly. He generally gave out that he was not given proper opportunity of take part in the enquiry proceedings and that statement of Shri Ram Sarup only was recorded in his presence and all other proceedings were false and fabricated recorded at his back and that he was not supplied even with a copy of the statement of Shri Ram Sarup. He deposed that the charge of mis-appropriation of money was false.

I have carefully gone through the records of the enquiry and the evidence led by the parties. The records of the enquiry reveal that the workman applied for supply of certain documents and this fact is not disputed even by the management. The copies applied for are mentioned specifically in the copy of application Ex. M. 4 dated 30th November, 1970 made by the workman. There is a noting of the management on this application that Shri D. S. Rekhi their legal advisor be consulted in this matter. The workman made other applications on 22nd September, 1970 and 11th December, 1970 Exs. W. 2 and W. 1 for supply of copies and there is no denial of this fact by the management. Ex. W. 8, W. 9 and W. 10 are the certificates of posting and Ex. W. 11 is the A. D. receipt in respect of the applications made by the workman from time to time for supply of copies and objecting to the procedure of enquiry adopted by the enquiry Committee. The later are, however, not found to have supplied him with the copies of the necessary documents despite persistent efforts and requests made by him. This amounted in my opinion to deprivation of the workman of his right to prepare himself for his defence, rendering the enquiry vitiated on this ground alone.

The workman admittedly raised an objection against Shri Raja Singh Kohli Municipal Commissioner being a member of the enquiry board on the ground that he was inimical to him. No steps are found to have taken by the management in removing this grievance of the workman. Shri Raja Singh Kohli on the other hand, continued to be a member of the enquiry board holding the enquiry till the last stage without decision of the objection of the workman by the management.

Above all, the workman was served last with a notice of the date of hearing of the enquiry held on 12th April, 1971, on 6th April, 1971 only 6 days before the actual date of hearing with an intimation to him for his appearance before the board of enquiry with all his defence evidence on 12th April, 1971. The whole proceedings of the enquiry was admittedly taken on 12th April, 1971 and the record indicates that the signatures of Shri Darshan Singh appear only on the statement of Shri Ram Sarup and on no other statement and his plea that the proceedings of the enquiry other than the statement of Shri Ram Sarup are false and fabricated made at his back can not be said to be without force particularly when no explanation was given by the management as to why his signatures were not obtained on other part of the enquiry proceedings. The statement of Shri Raja Singh Kohli that Shri Darshan Singh workman signed all the enquiry proceedings and the statements of the witnesses recorded in his presence is found significantly rebutted and contradicted by the proceedings of the enquiry itself subsequent to the statement of Ram Sarup indicating the absence of his signatures. Shri Raja Singh Kohli can under the circumstances be definitely condemned as a false witness then supporting the plea of the workman that he was inimical to him and his continuance in the enquiry board was unfair and unjustified and constituted victimisation of the workman at the instance of the management.

Shri Raja Singh Kohli again made a glaringly false statement that the workman had been given 2-3 adjournments for producing his defence, inasmuch as, the perusal of the record of the enquiry discloses that the statement of the workman was recorded on 12th April, 1971 the very day when the statement of the witnesses for the management were taken and his defence evidence was closed the same day with a denial of his request for grant of an adjournment. It is noteworthy that the whole enquiry was concluded on one day, with denial of opportunity to the workman to adduce his defence evidence and the only intimation to the workman to adduce his defence evidence on 12th April, 1971 was made on 6th April, 1971 only 6 days before the date of hearing.

There is yet another interesting feature of the illegality made by the enquiry board, as the statements of 3 witnesses for the management were recorded subsequent to the closure of the evidence for the workman, with no opportunity to the later to rebut the evidence of these two witnesses Inder Sain and Kishan Chand. Such a procedure is unknown to the principles of fair enquiry and constitutes yet another grave illegality.

Considered from any angle, the enquiry relied on by the management is found vitiated on the aforesaid grounds and can not be held as fair providing the workman an opportunity to defend himself properly. It can not as such be taken as sufficient for justifying the termination of services of the workman.

Notice be issued to the parties informing them about this order and directing them to appear before me at Ambala on 13th January, 1976.

MOHAN LAL JAIN,

Dated the 19th December, 1975.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1376, dated 27th May, 1976.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 25th June, 1976

No. 4052-4Lab-76/18433.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Engineering Enterprises India, Plot No. 44, Sector-4, Ballabgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 31 of 1974

between

SHRI MAHMUD AYUB ANSARI, WORKMAN AND THE MANAGEMENT OF M/S ENGINEERING ENTERPRISES INDIA, PLOT No. 44, SECTOR 4, BALLABGARH

AWARD

By order No. ID/FD/73/5735, dated 6th March, 1974 the Governor of Haryana, referred the following dispute between the management of M/s Engineering Enterprises India, Plot, No. 44, Sector-4, Ballabgarh and its workman Shri Mahmud Ayub Ansari to this Tribunal, for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Mahmud Ayub Ansari was justified and in order ?
If not, to what relief is he entitled ?

The parties put in their appearance in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed,—*vide* order dated 14th February, 1975.

- (1) Whether Mahmud Ayub Ansari, worker concerned has tendered his resignation on 7th July, 1973 after remaining absent with effect from 9th June, 1973 and as such no industrial dispute existed between the parties ? (on management).
- (2) Whether the demand the subject matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation ? If not, with what effect ? (on workman).
- (3) Whether Shri R. L. Sharma, is competent to represent the workman concerned in the present proceedings ? (on workman).
- (4) What is the effect of the demand notice and the statement of claim being undated ? (on parties).
- (5) Whether the termination of services of Shri Mahmud Ayub Ansari was justified and in order ? If not, to what relief is he entitled ?

The workman did not appear on 20th April, 1976 despite being directed to do so,—*vide* order, dated 20th January, 1976 with the result that *ex parte* proceedings were taken up against him on that date and *ex parte* evidence of the management was recorded.

Shri V. N. Bhardwaj, employed as an Accountant with the management, deposed that the workman submitted his resignation Ex. M-4 which was accepted by Shri B. B. Singh, a partner in the concerned management,—vide his endorsement marked 'B' on the same.

I see no reason to disbelieve the statement of Shri V. N. Bhardwaj, particularly when the proceedings against the workman are *ex parte* and he has not taken care to pursue the demand raised by him on management. I thus relying on his statement decide issue No. 1 in favour of the management.

The management did not press any other issue and no specific findings as such need be given on any of them.

The result, however, is that the services of the workman were not terminated and he abandoned his job of his own accord,—vide resignation Ex. M-4 and he is not entitled to any relief. I thus answer the reference while returning the award in terms of these findings.

Dated the 20th April, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 518, dated 21st April, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 21st April, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 28th June/2nd July, 1976

No. 5261-4Lab-76/18605.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Consolidated Plastics, Plot No. 39, Sector-6, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 150 of 1975

between

SHRI SURINDER PARSHAD, WORKMAN AND THE MANAGEMENT OF M/S CONSOLIDATED
PLASTIC, PLOT No. 39, SECTOR-6, FARIDABAD

AWARD

By order No. ID/FD/77-A-75/60271, dated 18th September, 1975, the Governor of Haryana, referred the following dispute between the management of M/s Consolidated Plastic, Plot No. 39, Sector-6, Faridabad and its workman Shri Surinder Parshad to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Surinder Parshad was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed,—vide my order dated 22nd January, 1976.

- (1) Whether the workman absented himself from duty from 6th June, 1975 till 17th June, 1975 and lost his lien on the job held by him as a result of his continued absent for the aforesaid period?
- (2) If not, whether the termination of his services was justified and in order?
- (3) If not, to what relief is he entitled?

The authorised representative for the parties made a statement before me on 14th May, 1976 in respect of the settlement arrived at by them. I accordingly relying on their statements order that the management shall pay a sum of Rs 1,100 in cash to the workman in respect of his bonus, gratuity, earned leave wages and earned wages, within one week of the date of this award in full and final satisfaction of all his claims against them and the later shall have no right of reinstatement in their service.

I thus answer the reference while returning the award in these terms.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 19th May, 1976

No. 620, dated 24th May, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 24th May, 1976

No.4892-4Lab-76/18643.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Paul Industries, Mathura Road, 14/4, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 96 of 1973

between

SHRI MOHAMMED HANIF WORKMAN AND THE MANAGEMENT OF M/S PAUL
INDUSTRIES, MATHURA ROAD, 14/4, FARIDABAD

AWARD

By order No. ID/73/66/17788, dated 23rd May, 1973, the Governor of Haryana, referred the following dispute between the management of M/s Paul Industries, Mathura Road, Faridabad and its workman Shri Mohammed Hanif to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Mohammed Hanif was justified and in order? If not, to what relief is he entitled?

Shri Roshan Lal Sharma put in his appearance on behalf of the workman in response to the usual notices of reference sent to the later, on 13th August, 1974 and continued to do so till 22nd April, 1976. The management could not, however, be served with the notice of reference and a report was received each time that the factory was found closed. Shri Roshan Lal was directed to supply complete address of the management for effecting service of the notice of reference on them or to get the notice served on them *dustee*. Shri Roshan Lal neither supplied the correct address of the respondent nor obtained the notice *dustee* as directed,—*vide* my orders dated 12th March, 1976 and 22nd April, 1976 and that he instead absented himself on 10th May, 1976 despite being directed to appear on that date and pursue the demand leading to the reference.

The absence of the workman and his authorised representative on the fixed date of hearing despite directions to the later to appear on that date and pursue the demand, indicated his want of interest in the matter.

I, therefore, hold that the workman is not interested in pursuing the demand leading to the reference and there is now no dispute between the parties requiring adjudication. I answer the reference while returning the award in these terms.

Dated the 12th May, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 600, dated the 13th May, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 13th May, 1976

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 4982-4Lab-76/18645.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Bhiwani Textile Mills, Bhiwani.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 188 of 1971

between

SHRI RULIA RAM, WORKMAN AND THE MANAGEMENT OF M/S BHIWANI TEXTILE
MILLS, BHIWANI

AWARD

By order No. ID/HSR/18-K-71/32517-21, dated 5th November, 1971, the Governor of Haryana referred the following dispute between the management of M/s. Bhiwani Textile Mills, Bhiwani and its workman Shri Rulia Ram to this Labour Court for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Rulia Ram was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed,—*vide* order dated 26th February, 1974:—

- (1) Whether the management has not yet terminated the services of Shri Rulia Ram, concerned workman and the dispute raised by him is premature and consequently the present reference is also bad in law?

(On management, bonus objected to).

- (2) Whether the termination of services of Shri Rulia Ram was justified and in order? If not, to what relief is he entitled?

The evidence of the workman was being recorded after the management had closed their case, when on 7th May, 1976 the date of hearing fixed in the case, the management brought on record a settlement, Exhibit W. 1 alleged to have been arrived at between the parties on 5th May, 1976. The statements of the parties were recorded by me. Shri Rulia Ram, the concerned workman made a statement that the settlement, Exhibit W.1, explained to him fully, was correct and that the award be returned in terms thereof. Shri Sham Lal, authorised representative for the management also admitted the terms of the settlement, Exhibit W.1 as correct,—*vide* statement made by him separately.

I, thus, hold that the management shall pay to the workman gratuity admissible to him as per rules besides wages of earned leave, if due to him and bonus if due be paid to him and an *ex gratia* amount of Rs 500 in full and final settlement of all his claims against them and that he shall not be entitled to reinstatement.

I, thus, answer the reference while returning the award in these terms.

Dated 12th May, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 1219, dated the 17th May, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Rohtak.

No. 4893-4Lab-76/18647.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Paul Industries, Mathura Road, 14/4, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 64 of 1973

between

SHRI VESH NATH, WORKMAN AND THE MANAGEMENT OF M/S PAUL INDUSTRIES,
MATHURA ROAD, 14/4, FARIDABAD.
AWARD

By order No. ID/FD/73/18298, dated 26th May, 1973, the Governor of Haryana, referred the following dispute between the management of M/s Paul Industries, Mathura Road, Faridabad and its workman Shri Vesh Nath to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of such section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Vesh Nath was justified and in order? If not, to what relief is he entitled?

Shri Roshan Lal Sharma put in his appearance on behalf of the workman in response to the usual notices of reference sent to the later, on 13th August, 1974 and continued to do so till 22nd April, 1976. The management could not, however, be served with the notice of reference and a report was received each time that the factory was found closed. Shri Roshan Lal was directed to supply complete address of the management for effecting service of the notice of reference on them or to get the notice served on them *dustee*. Shri Roshan Lal neither supplied the correct address of the respondent nor obtained the notice *dustee* as directed,—*vide* my orders, dated 12th March, 1976 and 22nd April, 1976 and that he instead absented himself on 10th May, 1976 despite being directed to appear on that date and pursue the demand leading to the reference.

The absent of the workman and his authorised representative on the fixed date of hearing despite directions to the later to appear on that date and pursue the demand, indicated his want of interest in the matter.

I, therefore, hold that the workman is not interested in pursuing the demand leading to the reference and there is now no dispute between the parties requiring adjudication. I answer the reference while returning the award in these terms.

Dated 12th May, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 601, dated 13th May, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 13th May, 1976.

MOHAN LAL JAIN
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.